

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Eric Douglas Powers,

Plaintiff,

Case # 23-CV-6362-FPG

v.

DECISION & ORDER

Sheriff James Allard, et al.,

Defendants.

In September 2024, Magistrate Judge Mark W. Pedersen ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. ECF Nos. 31, 32. Plaintiff did not respond. On February 10, 2025, Judge Pedersen issued a Report & Recommendation (“R&R”) recommending that the case be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) and/or Local Rule of Civil Procedure 5.2(d). ECF No. 37. No objections have been filed.

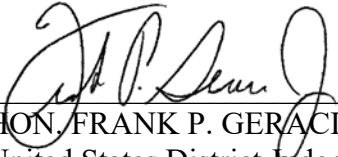
Generally, a court reviews portions of an R&R to which a party makes specific objections *de novo*. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). When a party does not object to the R&R, however, the court will review it for clear error. *EEOC v. AZ Metro Distributors, LLC*, 272 F. Supp. 3d 336, 339 (E.D.N.Y. 2017). “When performing such a clear error review, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Boice v. M+W U.S., Inc.*, 130 F. Supp. 3d 677, 686 (N.D.N.Y. 2015) (internal quotation marks omitted). After conducting the appropriate review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

No objections having been filed, the Court has reviewed the R&R for clear error, and finds none. Accordingly, the Court ADOPTS IN FULL Judge Pedersen’s R&R (ECF No. 37). This

action is DISMISSED WITH PREJUDICE for Plaintiff's failure to prosecute. The Clerk of Court shall enter judgment and close the case.

IT IS SO ORDERED.

Dated: March 11, 2025
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge
Western District of New York